

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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CLERK OF COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: GLORIA GRISCHKAN

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,

Plaintiff/Appellee

-vs-

GLORIA GRISCHKAN and MICHAEL
GRISCHKAN,

Defendants/Appellants

CASE NO. 1:06 CV 264

MEMORANDUM OF OPINION AND
ORDER DENYING
DEFENDANTS/APPELLANTS' MOTION
TO STAY EXECUTION OF THE
BANKRUPTCY COURT'S DEFAULT
JUDGMENT AND DENYING
DEFENDANTS/APPELLANTS' MOTION
FOR TEMPORARY RESTRAINING
ORDER

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This matter is before the Court on defendants-appellants' motion to stay execution of the bankruptcy court's default judgment and motion for temporary restraining order enjoining plaintiff-appellee from proceeding with the eviction of defendants-appellants from their home.


This Court has reviewed all of the defendants-appellants' submissions to this Court, including its motion to stay and for a temporary restraining order and United States Bankruptcy Judge Pat E. Morgenstern-Clarren's Memorandum of Opinion and Orders granting judgment in favor of plaintiff-appellee and denying defendants/appellants' motion to vacate and for temporary restraining order. Upon review of such materials, and in view of the requirements for granting a temporary

restraining order under Rule 65 of the Federal Rules of Civil Procedure, this Court denies defendant-appellant's request.

Defendants-appellants' have not addressed or satisfied the requirements of Rule 65. Defendants-appellants' have not certified that they have attempted to provide notice to the plaintiff-appellees' as required by Rule 65. Nor have defendants-appellants' shown that irreparable harm is imminent or that they have meritorious grounds for reversal of Bankruptcy Judge Morgenstern-Clarren's judgment in this matter. Indeed defendants-appellants' have not even referenced the four requirements for granting the injunctive relief they request. See Blue Cross & Blue Shield Mut. Of Ohio v. Columbia/HCA Healthcare Corp., 110 F.3d 318, 322 (6th Cir. 1997) (setting forth four requirements).

Accordingly, defendants-appellants' motion for emergency stay and for a temporary restraining order is **denied**.

IT IS SO ORDERED.



LESLEY WELLS
UNITED STATES DISTRICT JUDGE